

**STANSTED G2 INQUIRY – PROGRAMMING MEETING
19/1/09**

NOTE FOR INSPECTOR ON BEHALF OF

**UTTLESFORD DISTRICT COUNCIL
ESSEX COUNTY COUNCIL
HERTFORDSHIRE COUNTY COUNCIL
EAST HERTFORDSHIRE DISTRICT COUNCIL**

(“THE COUNCILS”)

This is the Councils’ response to the 6 issues raised in the Email dated 7/1/09 from the Inquiry Manager.

1. TOPICS / WITNESSES

The Councils consider that the list of topics is comprehensive, and are pleased to note that Local Roads and Rights of Way is a stand-alone topic.

The Councils wish to give evidence on Local Roads and Rights of Way and Sustainability and may wish to cross examine on Airspace/Flightpath issues which have implications for noise evidence.

The Councils also have objections to the CPOs as highway and housing authorities, and would wish to have the opportunity to give evidence.

2. TOPIC ORDER

The Councils consider that land-based topics could be heard early in the inquiry – *The Proposals, Planning Policy,, Landscape and Visual Impact, Nature Conservation, Historic Environment, Agriculture, Water Supply and Drainage, Ground Contamination, also Energy and Waste.*

The Councils consider that *Surface Access* is far too early in the programme, and should be heard much later along with *Economics, Noise and Air Quality*, which will be more affected by any DfT revised air passenger forecasts. Additionally, the errors in BAA’s noise impact assessment are still uncorrected and the delay in the production of revised material is holding up further work in this regard.

3. INQUIRY TIME

The Councils consider that it is extremely difficult at this stage to give time estimates, as the length and complexity of proofs of evidence is not known. However, in order to be helpful, the following is the Councils’ best estimate at this stage. Where appropriate, the Councils have erred

on the side of caution, as the prospect of completing a session with a day or so in hand is infinitely preferable to adjournment of a topic to a date at the end of the inquiry, with the loss of continuity and focus which that will entail. Any “windfall” days will no doubt be useful to the PINS team for report writing. Estimated allowances for matters not identified in the Inspector’s preliminary schedule of topics are in italics.

EVENT / TOPIC	TIME ESTIMATE
Appearances / opening submissions	0.5 weeks
The Proposals	6 weeks
Planning Policy	3 weeks
Economics	3 weeks
Air Safety and Airspace	1 week
Noise	3 weeks
Air Quality	1.5 weeks
Surface Access	6 weeks
Local Roads and Rights of Way	1 week
Nature Conservation	2 weeks
Landscape and Visual Impact	2 weeks
Historic Environment	3 weeks
Agriculture	1 week
Water Supply and Drainage	0.5 weeks
Energy and Waste	0.5 weeks
Ground Contamination	?
Health and Community	2 weeks
Sustainability	2 weeks
CPOs & CROs	4 weeks
Conditions and Obligations	2 weeks
<i>Local Representations</i>	<i>4 weeks ?</i>
<i>Interim Conclusions</i>	<i>2 weeks in total</i>
<i>Closing Submissions</i>	<i>2 weeks</i>
TOTAL	52 WEEKS

This list does not make an allowance for the summer break of 5.5 weeks or for breaks every 3-4 weeks as proposed by the Inspector at the pre-inquiry meeting. Additionally, it makes no allowance for preparation time for interim and final closing submissions. It is also made without any clear understanding of the numbers (or length) of submissions likely to be made by other local residents, schools, churches, employers, parish and district councils etc

The Councils are very concerned about the Inspector’s original estimate that the inquiry would last 6 months. The Councils have now seen the material disclosed to SSE following its FoIA request and it appears from this that an aspiration to complete this inquiry within 6 months existed before all the applications before it were even made and certainly long

before any meaningful analysis of the issues arising could be made. The Councils would be grateful to know the origin of this estimate and whether it has been discussed with Government departments. Given the vast scale, range and complexity of the development proposed (believed to be the largest application for airport development ever made in the UK) and the intention to acquire large tracts of land compulsorily, it is simply not plausible that this inquiry can be properly and fairly completed within a six month period. It is considered that adoption of the timescales estimated above by the Councils would result in an efficient, compact and yet fair programme for the consideration of the G2 development.

4. CONCURRENT SESSIONS

The Councils have grave concerns about the use of concurrent sessions, and do not wish to participate in a call-in inquiry that may be subject to challenge and may need to be re-run due to procedural deficiencies. These concerns have been set out in the Note prepared for the November Pre-Inquiry Meeting. Additionally, although the MIPs Rules expressly provide for the use of concurrent sessions in appropriate circumstances, parallel provision does not appear to have been made in the rules which govern the many other applications and orders which are to be heard at the conjoined inquiry. For this reason, the Councils may need to revisit their general agreement that all the individual inquiries can be conducted “in the spirit of the MIPs Rules”, if this is taken to be a mandate for the imposition of concurrent sessions in circumstances which are considered to be inappropriate or otherwise unfair. It is accepted that there may be scope for some of the third party CPO matters to be dealt with concurrently - if the objectors are satisfied that their rights would not be prejudiced.

5. RISK FACTORS

The Councils are concerned that the requirement for all proofs to be exchanged by 10th March 2009 could lead to a considerable number of revised / supplementary proofs at a later date, depending on what happens with the pending announcements. This would not shorten the inquiry (the G1 transport evidence was subject to repeated and confusing revision). The Councils would prefer some staggering of proof submission dates to reflect the order of topics at the inquiry (as discussed above) and the implications of these announcements on forecast-based evidence.

The Note on Pending Announcements should also include NATS conclusions on the changes to TCNE airspace and any approval of these by CAA.

6. CLOSING SUBMISSIONS

The Councils' estimate is included in the response to Issue 3. The Councils consider that there should be at least 2 clear days between the conclusion of evidence on each topic and the presentation of interim submissions.

7. OTHER MATTERS

There are significant concerns about the time being taken to respond to certain requests made to BAA and the implications of the same for the production of evidence. This applies particularly but not exclusively to surface access modelling. Further detail will be provided on Monday as appropriate.